

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated January 5, 2009, is respectfully requested in view of this amendment. By this amendment, claim 8 has been cancelled and rewritten as new claim 15, and claims 1-7 and 9-14 have been amended. Claims 1-7 and 9-15 are pending in this application.

The above amendments to the claims are made for clarification and should not be construed as limiting the scope of the claims.

The amendment to claim 1 more clearly sets forth the features of the thread wound in crosswindings at varying traversing strokes and at certain time intervals and thread layers having parallel windings wound on the crosswound layers, and the start and end of the parallel windings. Claim 8 has been rewritten as new claim 15 and describes layers of crosswindings wound at varying lengths of traversing strokes and layers of parallel windings beginning at distances from the edges of the package.

Support is found in the claims as originally filed and throughout the specification, and it is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132.

In the outstanding Office Action, Examiner objected to claims 3, 8, and 11 due to informalities. The Examiner rejected claims 1, 3, 5, 8, 10, and 12 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,268,554 to Abbott (hereinafter *Abbott*); claims 2 and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0161979 to Koyanagi et al. (hereinafter *Koyanagi*); claims 4 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Abbott* as applied to claims 1, 3, 5, 8, 10, and 12 and further in view of *Koyanagi*; claims 6 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Abbott* as applied to claims 1, 3, 5, 8, 10, and 12 and further in view of U.S. Patent No. 1,770,397 to Furness (hereinafter *Furness*); and claims 7 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Abbott* as applied to

claims 1, 3, 5, 8, 10, and 12 and further in view of International reference no. WO-02060800 to Planck et al. (hereinafter *Planck*). These rejections, as applied to the revised claims, are respectfully traversed.

Objections to Claims 3, 8 and 11

The Examiner rejected claims 3, 8 and 11. Two objections related to references to the drawings, which have been removed from the amended claims. The third objection was a number which is an apparent typographical artifact, also removed. Accordingly, the objections are believed to be overcome.

Rejections of Claims 1, 3, 5, 8, 10, and 12 under 35 USC §102

Claims 1, 3, 5, 8, 10, and 12 were rejected under 35 U.S.C. §102(b) as being anticipated by *Abbott*. *Abbott* is cited as disclosing an overend crosswound take-off bobbin having a thread wound on with a variable pitch angle, and the crosswound bobbin has one or more thread layers having parallel windings. *Abbott* is further cited as disclosing the parallel windings starting at a distance, and thread layers which are wound on with a varying traversing stroke. Claim 8 is now rewritten as new claim 15, and so Applicants will address the rejection of claim 8 with respect to claim 15.

Response

This rejection is traversed as follows. For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in

as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131.

The claims now clearly describe an X-package, i.e., a package which substantially includes crosswound layers. This allows an improved winding operation of the thread, in which thread is withdrawn in an axial direction from the package. This improved winding is achieved by winding from time to time one or very few layers of parallel windings between the plurality of the crosswound layers. Therefore an X-package is produced which is substantially crosswound, but which contains some layers of parallel wound thread in between the crosswound layers. The few layers of parallel windings do not extend over the full width of the package but leave a distance to the respective edges.

Applicants' claims set forth:

"... at least one thread is wound in crosswindings at varying traversing strokes and ... one or more ... crosswound layers ... having parallel windings start at a distance from the one edge ... and end at a distance before the other edge" (Claim 1; claim 15 similar.)

Abbott fails to show or suggest these features. *Abbott* discloses a package which substantially consists of layers of parallel windings. Normally, layers of parallel windings are wound on a tube which has disc-like heads at both ends. The layers of parallel windings are held between these heads. *Abbott* intentionally creates a package of essentially parallel windings which does not need heads at the ends of the tube. In order to achieve that arrangement, some layers of cross windings are wound in between the plurality of layers of parallel windings. The layers of the cross windings, which have the task of stabilizing the edges of the package, extend from one edge to the other; i.e., they are wound by strokes which correspond to the full width of the package. Such layers cause thickened end flanges at the edges, which can clearly be seen from Fig. 2 of *Abbott*. The layers of parallel windings are wound such that they fill up the gap between these end flanges.

This is described by *Abbott* at column 1, line 53 - column 2, line 23:

"... This slow traverse or spool winding has a slightly shorter length of traverse than the cross winding, and is continued until the diameter of the package is as large in the center as it is at the ends where the flanges 8, 8 lie. (see Fig. 3)

"Next a few more turns of cross. winding are laid on the package and further similar flanges are built up at the ends of the package, and then the slow traverse winding is again resumed, having a' slightly shorter length of traverse than the cross winding, and this slow traverse or spool winding is again continued until the diameter of the package is as large in the center as it is at the ends. This sequence is preferably continued until the package reaches its desired diameter, which may for example be such as indicated in dotted lines in Fig. 3.

"The Invention permits the winding, on a machine that has no provision for rolling in the flanges that form at the end faces of the package, of an outwardly cylindrical package which is tied together endwise by cross winding and hence is self-sustaining, and which has a greater yarn, capacity due to its being wound in large part with slow traverse winding."

Clearly, the present claims define over *Abbott* by the fact that the packages contain in essence crosswound layers having only some layers of parallel windings in between. The present claims also define over *Abbott* by the fact that the layers of cross windings are wound at varying lengths of strokes, so that no flanges will build up at the edges of the package.

Accordingly, *Abbott* fails to teach all of the claimed features, and as such, fails to anticipate the present claims. Applicants respectfully request withdrawal of this rejection.

Rejections of Claims 2 and 9 under 35 USC §102

Claims 2 and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by *Koyanagi*. *Koyanagi* is cited as disclosing a thread wound on with a variable pitch angle, with the pitch angle of the thread layers situated to the inside smaller than that of the thread layers situated further to the outside.

Response

This rejection is traversed on the basis of the requirements of an anticipatory art rejection as set forth above.

Koyanagi shows an arrangement in which different tensions and angles are used to address an issue of unwinding and "aging" (shrinking of polyester at elevated temperatures). As set forth in *Koyanagi*, the variation is selected according to a winding diameter for purposes of accommodating specific issues. While *Koyanagi* mentions the high edge problem, there is no suggestion that the cross-winding be set at a distance away from the edge. Referring to *Koyanagi*:

[0030] (2) the traverse angle is varied in accordance with a winding diameter of the package and is selected from 3 to 10 degrees at each winding diameter, and the difference between the minimum and the maximum value thereof is at least one degree;

...

[0066] As explained above, the drawn yarn is wound while the traverse angle is being varied in accordance with a winding diameter. As a result, both the bulging and high edge of the package can be reduced, and the high speed unwindability becomes good because a high edge and pressing in the edge portion are not produced.

Accordingly there is no suggestion that "... at least one thread is wound in crosswindings at varying traversing strokes and ... one or more ... crosswound layers ... having parallel windings start at a distance from the one edge ... and end at a distance before the other edge" (Claim 1; claim 15 similar.)

Claim 9, while different in some respects, also describes these features.

In view of the foregoing, withdrawal of the rejections under 35 U.S.C. §102 is respectfully requested.

Rejections Under 35 U.S.C. §103

The Examiner rejected claims 4 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Abbott* as applied to claims 1, 3, 5, 8, 10, and 12 and further in view of *Koyanagi*. Claims 6 and 13 under 35 U.S.C. §103(a) as being unpatentable over *Abbott* as applied to claims 1, 3, 5, 8, 10, and 12 and further in view of *Furness*. Claims 7 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Abbott* as applied to claims 1, 3, 5, 8, 10, and 12 and further in view of *Planck*. These rejections, as applied to the amended claims, are respectfully traversed.

Response

This rejection is traversed as follows. To establish a *prima facie* case of obviousness, the Examiner must establish: (1) some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) the prior art references teach or suggest all of the claim limitations. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

A *prima facie* case of obviousness must also include a showing of the reasons why it would be obvious to modify the references to produce the present invention. See *Dystar Textilfarben GMBH v. C. H. Patrick*, 464 F.3d 1356 (Fed. Cir. 2006). The Examiner bears the initial burden to provide some convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings. *Id.* at 1366.

Applicants refer to the above remarks regarding the features of *Abbott* and *Koyanagi*. There is no suggestion in either reference regarding the features of:

"... at least one thread is wound in crosswindings at varying traversing strokes and ... one or more ... crosswound layers ... having parallel windings start at a distance from the one edge ... and end at a distance before the other edge"

Furness and *Planck* show particular overend configurations but fail to suggest the feature of having parallel windings start at a distance from the one edge and end at a distance before the other edge. Thus *Furness* and *Planck* fail to cure the deficiencies of the primary references.

The cited prior art, taken alone or in combination, therefore fails to show or suggest Applicants' claimed subject matter as set forth in claims 1, 3-7, 10-14 and new claim 15. It is therefore respectfully submitted that the rejection under 35 U.S.C. 103(a) should be withdrawn.

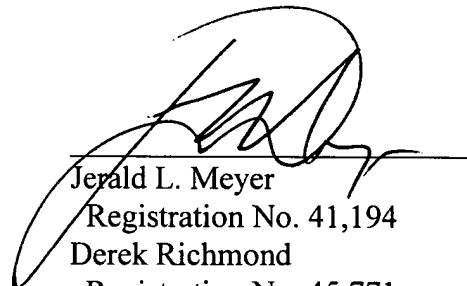
CONCLUSION

In light of the foregoing, Applicants submit that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner call the undersigned.

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